



May 17, 2006

BY OVERNIGHT MAIL

Lynn Fabrizio, Staff Attorney/Hearings Examiner
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, NH

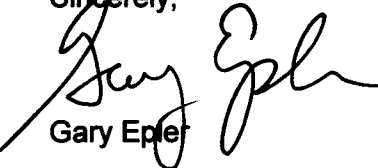
Re: Investigation into Utility Poles
Unitil Energy Systems, Inc. Response to Data Requests
DM 05-172

Dear Lynn:

On behalf of Unitil Energy Systems, Inc. ("Unitil"), enclosed please find an original and four (4) copies of the Company's responses to Revised Request Nos. 4-4 and 4-5 of the Commission Staff's Fourth Set of Document and Information Requests. An electronic copy of this filing is being e-mailed to all parties.

Thank you for your attention to this matter.

Sincerely,



Gary Epler

Enclosure

cc: Service List (by e-mail)

Gary Epler
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New Hampshire Public Utilities Commission
Generic Investigation Into Utility Poles
Docket No. DM 05-172
UES Response to Commission Staff's Fourth Set of Data Requests

Request No. Staff 4-4

Please describe the process by which a municipality or the State of New Hampshire Department of Transportation (NHDOT) obtains the right to attach to utility poles and/or occupy conduit space in order to build an intra-government network for government use only.

- a. For example, is a Pole Attachment or Conduit Occupancy Agreement typically executed with the owner or joint owners of the poles and conduit?
- b. Are such agreements ever executed by municipalities or the NHDOT? If so, when?
- c. Does the municipality or NHDOT typically apply for a license and pay related fees, such as engineering survey fees, make-ready costs, and prevailing pole attachment and/or conduit occupancy fees?
- d. Would a municipality or NHDOT ever apply for a license or pay such fees? Please identify any such instances.

Please explain your answers fully and provide the basis for the process typically undertaken, including, where appropriate, a citation to the rule, tariff, ordinance or statute that supports your assertion.

Response:

To the extent that this data requests seeks a legal opinion, conclusion or determination with respect to "the right to attach to utility poles and/or occupy conduit space in order to build an intra-government network for government use only" Unutil objects. Without waiving this objection, Unutil responds as follows:

Please see Unutil's responses to Staff 4-6 and 4-9. Unutil has not entered into pole attachment agreements with municipalities or the NHDOT, and has typically not assessed "make ready" or similar fees on such entities in the past.

Person Responsible: Raymond A. Letourneau, Jr.

Date: May 17, 2006

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Request No. Staff 4-5

Please describe the process by which a municipality or the State of New Hampshire Department of Transportation obtains the right to attach to utility poles and/or occupy conduit space in order to offer competitive services for use by the general public.

- a. For example, is a Pole Attachment or Conduit Occupancy Agreement typically executed with the owner or joint owners of the poles and conduit?
- b. Are such agreements ever executed by municipalities or the NHDOT? If so, when?
- c. Does the municipality or NHDOT typically apply for a license and pay related fees, such as engineering survey fees, make-ready costs and prevailing pole attachment and/or conduit occupancy fees?
- d. Would a municipality or NHDOT ever apply for a license or pay such fees? Please identify any such instances.

Please explain your answers fully and provide the basis for the process typically undertaken, including, where appropriate, a citation to the rule, tariff, ordinance or statute that supports your assertion.

Response:

To the extent that this data requests seeks a legal opinion, conclusion or determination with respect to "the right to attach to utility poles and/or occupy conduit space in order to offer competitive services for use by the general public," Unitil objects. Without waiving this objection, Unitil responds as follows:

(For purposes of answering this question Unitil assumes that the term "competitive service" as used in this question means a communication service or services which may compete directly or indirectly with similar services offered for a fee by a non-governmental provider of telecommunications services, and does not include "an intra-government network for government use only.")

Unitil is not aware of any municipality or of the NHDOT offering such "competitive service" in its service area, and has not been approached by a municipality or the NHDOT requesting to attach facilities to offer such "competitive service."

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